



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bruno DE LIGNIERES

Title: TREATMENT OF MASTALGIA  
WITH 4-HYDROXY  
TAMOXIFEN

Appl. No.: 10/734,640

Filing Date: 12/15/2003

Examiner: U. Ramachandran

Art Unit: 1627

Confirmation 9061

Number:

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, Laboratoires Besins International SA, having its principal place of business at 13, rue Perier, Montrouge, 92120 France, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application Serial No. 10/734,640 filed December 15, 2003, by virtue of an Assignment filed and recorded on January 3, 2005 on Reel/Frame 016118/0325, in the United States Patent and Trademark Office, a copy of the abstract of title of which is attached hereto as APPENDIX A. Further, your Petitioner represents that it is the owner of U.S. Patent No. 7,507,769, filed March 22, 2004, by virtue of an Assignment filed and recorded on March 29, 2005 on Reel/Frame 016406/0665, in the United States Patent and Trademark Office, a copy of the abstract of title of which is attached hereto as APPENDIX B.

Your Petitioner, Laboratoires Besins International SA, hereby disclaims the terminal part of the term of any patent granted on U.S. Patent Application 10/734,640 which

would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent No. 7,507,769, and hereby agrees that any patent so granted on U.S. Patent Application 10/734,640 shall be enforceable only for and during such period that the legal title to U.S. Patent No. 7,507,769 shall be the same as the legal title to any patent granted on U.S. Patent Application 10/734,640, this agreement to run with U.S. Patent No. 7,507,769 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application 10/734,640, prior to the full statutory term of U.S. Patent No. 7,507,769 as defined in 35 U.S.C. §§154-156 and 173, in the event that U.S. Patent No. 7,507,769 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC §154, prior to its full statutory term as defined in 35 USC §§154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S. Patent Application 10/734,640 that would extend beyond the present termination of U.S. No. 7,507,769, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on U.S. Patent Application 10/734,640 to the extent provided by law, including but not limited to 35 U.S.C. §§155, 155A or 156.

The undersigned, being the Attorney of Record for U.S. Patent Application 10/734,640, and duly authorized to act on behalf of Petitioner, certifies that she has reviewed the Patent Assignment Abstracts of Title attached as APPENDICES A and B, and to the best of her knowledge and belief, legal title to U.S. Patent Application 10/734,640 and U.S. Patent No. 7,507,769 rests with Petitioners, Laboratoires Besins International SA. The undersigned declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were

made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date November 3, 2009

By Courtenay C. Brinckerhoff

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